

FILED

JUL 14 2021

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

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19
20 UNITED STATES DISTRICT COURT
21 SOUTHERN DISTRICT OF CALIFORNIA

22 UNITED STATES OF AMERICA,

23 Case No. 15CR950-BEN

24 Plaintiff,
25 v.

PLEA AGREEMENT

26 ROBERTO GALLEGOS-LECHUGA,

27 Defendant.

28
29 IT IS HEREBY AGREED between the plaintiff, UNITED STATES OF
30 AMERICA, through its counsel, RANDY S. GROSSMAN, Acting United States
31 Attorney, Lawrence A. Casper, Assistant United States Attorney, Deborah
32 L. Connor, Money Laundering & Asset Recovery Section and Mark A. Irish,
33 Senior Trial Counsel, Money Laundering & Asset Recovery Section,
34 Criminal Division, and Defendant ROBERTO GALLEGOS-LECHUGA, with the
35 advice and consent of Nancee S. Schwartz, counsel for Defendant, as
36 follows:
37
38

Plea Agreement

Def. Initials RLG
15CR950-BEN

1

I

THE PLEA

2
3 Defendant agrees to plead guilty to Count One of the Third
4 Superseding Indictment charging Defendant with:

5 knowingly combining, conspiring, and agreeing with other
6 persons to commit offenses against the United States in
7 violation of Title 18, United States Code, Section 1956,
including:

8 a. to transport, transmit, and transfer, and attempt
9 to transport, transmit, and transfer a monetary instrument
and funds from a place in the United States to and through a
place outside the United States and to a place in the United
States from and through a place outside the United States
with the intent to promote the carrying on of specified
unlawful activity, that is, the distribution of Controlled
Substances, in violation of Title 18, United States Code,
Section 1956(a)(2)(A); and

14 b. to transport, transmit, and transfer, and attempt
15 to transport, transmit, and transfer a monetary instrument
16 and funds from a place in the United States to and through a
place outside the United States and to a place in the United
17 States from and through a place outside the United States,
knowing that the monetary instrument and funds involved in
the transportation, transmission, and transfer represented
18 the proceeds of some form of unlawful activity and knowing
19 that such transportation, transmission, and transfer was
designed in whole or in part to conceal and disguise the
20 nature, the location, the source, the ownership, and the
control of the proceeds of specified unlawful activity, that
21 is, the distribution of Controlled Substances, in violation
22 of Title 18, United States Code, Section 1956(a)(2)(B)(i) and
(h); and Title 18, United States Code, Section 2.

23 II

NATURE OF THE OFFENSE

24 A. ELEMENTS EXPLAINED

25 The offense to which Defendant is pleading guilty has the following
26 elements:

1. There was an agreement between two or more persons to
2. knowingly and intentionally combine, conspire, and agree
3. with others to transport, transmit, or transfer, or
4. attempt to transfer, transmit or transfer a monetary
5. instrument or funds from a place in the United States
6. to or through a place outside the United States;
7. Defendant became a member of the conspiracy knowing of
8. the objective to transport, transmit, or transfer, or
9. attempt to transfer, transmit or transfer a monetary
10. instrument or funds from a place in the United States
11. to or through a place outside the United States and
12. intending to help accomplish that object;
13. The monetary instrument or funds involved in the
14. transportation, transmission or transfer represented the
15. proceeds of a specified unlawful activity, namely a
16. conspiracy to import cocaine, methamphetamine and heroin
17. into the United States in violation of 21 U.S.C.
18. §§ 952, 960 and 963 (for concealment money laundering);
19. Defendant knew that the monetary instrument or funds
20. involved in the transportation, transmission or
21. transfer represented proceeds of some form of unlawful
22. activity (for concealment money laundering);
23. Defendant knew that the transportation, transmission or
24. transfer was designed in whole or in part to conceal or
25. disguise the nature, location, source, ownership, or
26. control of the proceeds of specified unlawful activity.
(for concealment money laundering); and
27. Defendant knew that the transportation, transmission or
28. transfer was designed in whole or in part to promote the
carrying on of specified unlawful activity (for
promotion money laundering).

1 B. ELEMENTS UNDERSTOOD AND ADMITTED - FACTUAL BASIS

2 Defendant has fully discussed the facts of this case with defense
3 counsel. Defendant has committed each element of the crime and admits
4 that there is a factual basis for this guilty plea. The following facts
5 are true and undisputed:

6 1. From in or about August 2013 until in or about November 2015,
7 Defendant was a manager and supervisor in a drug trafficking
8 and money laundering organization ("DTO/MLO") that: (1)
9 smuggled multi-kilogram quantities of cocaine,
10 methamphetamine and heroin from Mexico to the Southern
11 District of California and elsewhere in the United States;
12 and (2) smuggled proceeds from the sales of illegal narcotics
13 in the United States to Mexico. The DTO/MLO was a part of, or
14 affiliated with, the Sinaloa Cartel and involved more than
15 five participants.

16 2. Defendant managed and supervised couriers who smuggled
17 narcotics proceeds from the United States to Mexico and
18 ensured that those couriers picked up the proceeds from the
19 correct sources in the United States. Those sources were
20 primarily located in Southern California. The MLO members
21 used various methods to smuggle those proceeds from the United
22 States to Mexico and to convert the U.S. bulk currency into
23 Mexican pesos. In turn, those proceeds were transferred to
24 money exchange houses in Tijuana, in Sinaloa, and elsewhere
25 in Mexico and, in connection with his activity, Defendant
26 received payment. This activity was part of an agreement by
27 Defendant and others to transport, transmit, or transfer,
28 these monetary instruments or funds from locations within the
United States to Mexico.

29 3. Defendant knew that the transportation, transmission or
30 transfer of these funds was designed in whole or in part to
31 conceal and disguise the nature, location, source, ownership,
32 and control of the proceeds of the illicit narcotics
33 importation and trafficking. Defendant also knew that the
34 transportation, transmission or transfer was designed to
35 promote the carrying on of specified unlawful activity, that
36 is, drug trafficking.

37 4. During the period described above, Defendant worked with K.B
38 and other DTO members to smuggle cocaine, heroin and
39 methamphetamine from Mexico to the United States. Defendant
40 admits that, during the above period, he was involved with

1 the smuggling and distribution of at least 16 kilograms of
2 methamphetamine (actual); 25 kilograms of cocaine; and 5
3 kilograms of heroin from Mexico to the United States.

4

5. From August 23, 2013 to August 27, 2013, Defendant
6 communicated with "Ringuito" to assist in coordinating the
7 smuggling of a load of drugs from Mexico to the United States.
8 Defendant was also in contact with at least one other co-
9 conspirator to further this effort. Once inside the United
10 States, law enforcement stopped the vehicle and the driver,
11 K.B., consented to a vehicle search, during which multiple
packages of cocaine and heroin were hidden inside the vehicle.
Court-authorized intercepted communications showed that,
shortly after the vehicle was stopped, Defendant was notified
by whomever was providing the transportation that the vehicle
had been stopped and that a GPS being used by co-conspirators
to track the drugs had been disconnected. Defendant then told
"Ringuito" that the the drugs had almost certainly been
seized.

12

6. On October 1, 2013, law enforcement lawfully intercepted
13 communications between Defendant and "Chikoroteo." Chikoroteo
14 explained that, before a courier delivered United States
15 currency to another courier, both couriers would receive a
16 serial number from a U.S. one dollar bill. The delivering
17 courier would ask the receiving courier for the dollar bill
18 with that serial number to ensure it matched. Then, the
19 delivering courier would keep the one dollar bill as a
20 receipt. During these communications, Defendant and
21 Chikoroteo then coordinated a currency exchange between the
22 respective couriers in the United States. Similarly, on
23 October 10, 2013, law enforcement lawfully intercepted
24 communications between Defendant and Bianca Acedo-Ojeda
25 during which Defendant arranged to have a courier deliver
26 bulk U.S. currency that was supposed to be \$350,000 to one of
27 Acedo-Ojeda's couriers in Los Angeles, California. When
28 Acedo-Ojeda's courier brought the money to Mexico,
intercepted communications showed that the actual amount was
determined to be \$309,975. Intercepted communications also
showed that the two (Defendant and Bianca Acedo-
Ojeda) previously had similar dealings.

24

25

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III

27

PENALTIES

28

The crime to which Defendant is pleading guilty carries the
following penalties:

- A. a maximum 20 years in prison, pursuant to 18 U.S.C. § 1956(a)(2)(B);
- B. a maximum \$500,000 fine or twice the value of the monetary instrument or funds involved in the transportation, transmission or transfer, whichever is greater, pursuant to 18 U.S.C. § 1956(a)(2)(B);
- C. a mandatory special assessment of \$100 per count, pursuant to 18 U.S.C. § 3013(a)(2)(A); and
- D. a term of supervised release of not more than three (3) years, pursuant to 18 U.S.C. § 3583(b)(2). Defendant understands that failure to comply with any of the conditions of supervised release may result in revocation of supervised release, requiring Defendant to serve in prison, upon any such revocation, all or part of the statutory maximum term of supervised release for the offense that resulted in such term of supervised release.

IV

**DEFENDANT'S WAIVER OF TRIAL RIGHTS AND
UNDERSTANDING OF CONSEQUENCES**

This guilty plea waives Defendant's right at trial to:

- A. Continue to plead not guilty and require the Government to prove the elements of the crime beyond a reasonable doubt;
- B. A speedy and public trial by jury;
- C. The assistance of counsel at all stages;
- D. Confront and cross-examine adverse witnesses;
- E. Testify and present evidence and to have witnesses testify on behalf of Defendant; and,

1 F. Not testify or have any adverse inferences drawn from the
2 failure to testify.

3 G. Defendant has been advised by counsel and understands that
4 because defendant is not a citizen of the United States,
5 defendant's conviction in this case makes it practically
6 inevitable and a virtual certainty that defendant will be
7 removed or deported from the United States. Defendant may
8 also be denied United States citizenship and admission to the
9 United States in the future.

10 V

11 **DEFENDANT ACKNOWLEDGES NO PRETRIAL RIGHT TO BE
PROVIDED WITH IMPEACHMENT AND AFFIRMATIVE DEFENSE INFORMATION**

12 Any information establishing the factual innocence of Defendant
13 known to the undersigned prosecutor in this case has been turned over
14 to Defendant. The Government will continue to provide such information
15 establishing the factual innocence of Defendant.

16 If this case proceeded to trial, the Government would be required
17 to provide impeachment information for its witnesses. In addition, if
18 Defendant raised an affirmative defense, the Government would be
19 required to provide information in its possession that supports such a
20 defense. By pleading guilty Defendant will not be provided this
21 information, if any, and Defendant waives any right to this information.
22 Defendant will not attempt to withdraw the guilty plea or to file a
23 collateral attack based on the existence of this information.

24 VI

25 **DEFENDANT'S REPRESENTATION THAT GUILTY
PLEA IS KNOWING AND VOLUNTARY**

27 Defendant represents that:

1 A. Defendant has had a full opportunity to discuss all the facts
2 and circumstances of this case with defense counsel and has
3 a clear understanding of the charges and the consequences of
4 this plea. By pleading guilty, Defendant may be giving up,
5 and rendered ineligible to receive, valuable government
6 benefits and civic rights, such as the right to vote, the
7 right to possess a firearm, the right to hold office, and the
right to serve on a jury. The conviction in this case may
subject Defendant to various collateral consequences,
including but not limited to revocation of probation, parole,
or supervised release in another case; debarment from
government contracting; and suspension or revocation of a
professional license, none of which can serve as grounds to
withdraw Defendant's guilty plea.

8 B. No one has made any promises or offered any rewards in return
9 for this guilty plea, other than those contained in this
agreement or otherwise disclosed to the Court.

10 C. No one has threatened Defendant or Defendant's family to
11 induce this guilty plea.

12 D. Defendant is pleading guilty because Defendant is guilty and
for no other reason.

13 **VII**

14 **AGREEMENT LIMITED TO U.S. ATTORNEY'S OFFICE**
SOUTHERN DISTRICT OF CALIFORNIA and MONEY LAUNDERING & ASSET RECOVERY
SECTION

16 This plea agreement is limited to the United States Attorney's
17 Office for the Southern District of California and the Money Laundering
18 & Asset Recovery Section, Criminal Division, and cannot bind any other
19 authorities in any type of matter, although the Government will bring
20 this plea agreement to the attention of other authorities if requested
21 by Defendant.

22 **VIII**

23 **APPLICABILITY OF SENTENCING GUIDELINES**

24 The sentence imposed will be based on the factors set forth in 18
25 U.S.C. § 3553(a). In imposing the sentence, the sentencing judge must
26 consult the United States Sentencing Guidelines (Guidelines) and take
27 them into account. Defendant has discussed the Guidelines with defense

1 counsel and understands that the Guidelines are only advisory, not
2 mandatory. The Court may impose a sentence more severe or less severe
3 than otherwise applicable under the Guidelines, up to the maximum in
4 the statute of conviction. The sentence cannot be determined until a
5 presentence report is prepared by the U.S. Probation Office and defense
6 counsel and the Government have an opportunity to review and challenge
7 the presentence report. Nothing in this plea agreement limits the
8 Government's duty to provide complete and accurate facts to the district
9 court and the U.S. Probation Office.

10 **IX**

11 **SENTENCE IS WITHIN SOLE DISCRETION OF JUDGE**

12 This plea agreement is made pursuant to Federal Rule of Criminal
13 Procedure 11(c)(1)(B). The sentence is within the sole discretion of
14 the sentencing judge who may impose the maximum sentence provided by
15 statute. It is uncertain at this time what Defendant's sentence will
16 be. The Government has not made and will not make any representation
17 about what sentence Defendant will receive. Any estimate of the probable
18 sentence by defense counsel is not a promise and is not binding on the
19 Court. Any recommendation by the Government at sentencing also is not
20 binding on the Court. If the sentencing judge does not follow any of
21 the parties' sentencing recommendations, Defendant will not withdraw
22 the plea.

23 **X**

24 **PARTIES' SENTENCING RECOMMENDATIONS**

25 **A. SENTENCING GUIDELINE CALCULATIONS**

26 Although the Guidelines are only advisory and just one factor the
27 Court will consider under 18 U.S.C. § 3553(a) in imposing a sentence,

1 the parties will jointly recommend the following Base Offense Level,
2 Specific Offense Characteristics, Adjustments, and Departures:

3	1. Base Offense Level pursuant to § 2S1.1(a)(1)	38
4	2. BOL increased under § 2S1.1(b)(2)(B)	+2
5	3. Aggravating Role § 3B1.1(B)	+3
6	4. BOL decreased for Acceptance of Responsibility under § 3E1.1	-3
7	5. Expedited Resolution/Combo of Circs. § 5K2.0	-2
8	Total adjusted offense level	38

8 B. ACCEPTANCE OF RESPONSIBILITY

9 Despite paragraph A above, the Government need not recommend an
10 adjustment for Acceptance of Responsibility if Defendant engages in
11 conduct inconsistent with acceptance of responsibility including, but
12 not limited to, the following:

- 13 1. Fails to truthfully admit a complete factual basis as
14 stated in the plea at the time the plea is entered, or
15 falsely denies, or makes a statement inconsistent with,
16 the factual basis set forth in this agreement;
- 17 2. Falsey denies prior criminal conduct or convictions;
- 18 3. Is untruthful with the Government, the Court or
19 probation officer; or
- 20 4. Breaches this plea agreement in any way.

21 C. FURTHER ADJUSTMENTS AND SENTENCE REDUCTIONS INCLUDING THOSE
22 UNDER 18 U.S.C. § 3553

23 Defendant may request or recommend additional downward
24 adjustments, departures, or variances from the Sentencing Guidelines
25 under 18 U.S.C. § 3553. The Government will oppose any downward
26 adjustments, departures, or variances not set forth in Section X,
27 paragraph A above.

28

1 D. NO AGREEMENT AS TO CRIMINAL HISTORY CATEGORY

2 The parties have no agreement as to Defendant's Criminal History
3 Category.

4 E. "FACTUAL BASIS" AND "RELEVANT CONDUCT" INFORMATION

5 The facts in the "factual basis" paragraph of this agreement are
6 true and may be considered as "relevant conduct" under USSG § 1B1.3 and
7 as the nature and circumstances of the offense under 18 U.S.C.
8 § 3553(a)(1).

9 F. PARTIES' RECOMMENDATIONS REGARDING CUSTODY

10 The Government will recommend that Defendant be sentenced to the
11 low end of the advisory guideline range recommended by the Government
12 at sentencing.

13 G. SPECIAL ASSESSMENT/FINE

14 1. Special Assessment

15 The parties will jointly recommend that Defendant pay a special
16 assessment in the amount of \$100.00 per felony count of conviction to
17 be paid forthwith at time of sentencing. Special assessments shall be
18 paid through the office of the Clerk of the District Court by bank or
19 cashier's check or money order made payable to the "Clerk, United States
20 District Court."

21 2. Fine

22 The parties will not recommend imposition of a fine due to
23 Defendant's limited financial prospects and because the cost of
24 collection, even taking into account the Inmate Responsibility Program,
25 likely would exceed the amounts that could reasonably be expected to be
26 collected.

1 H. SUPERVISED RELEASE

2 If the Court imposes a term of supervised release, Defendant will
3 not seek to reduce or terminate early the term of supervised release
4 until Defendant has served at least two thirds (2/3) of the term of
5 supervised release and has fully paid and satisfied any special
6 assessments, fine, criminal forfeiture judgment, and restitution
7 judgment.

8 **XI**

9 DEFENDANT WAIVES APPEAL AND COLLATERAL ATTACK

10 Defendant waives (gives up) all rights to appeal and to
11 collaterally attack every aspect of the conviction and sentence,
12 including any restitution order. The only exception is that Defendant
13 may collaterally attack the conviction or sentence on the basis that
14 Defendant received ineffective counsel.

15 **XII**

16 BREACH OF THE PLEA AGREEMENT

17 Defendant and Defendant's attorney know the terms of this agreement
18 and shall raise, before the sentencing hearing is complete, any claim
19 that the Government has not complied with this agreement. Otherwise,
20 such claims shall be deemed waived (that is, deliberately not raised
21 despite awareness that the claim could be raised), cannot later be made
22 to any court, and if later made to a court, shall constitute a breach
23 of this agreement.

24 Defendant breaches this agreement if Defendant violates or fails
25 to perform any obligation under this agreement. The following are non-
26 exhaustive examples of acts constituting a breach:

27 1. Failing to plead guilty pursuant to this agreement;

2. Failing to fully accept responsibility as established in Section X, paragraph B, above;
3. Failing to appear in court;
4. Attempting to withdraw the plea;
5. Failing to abide by any court order related to this case;
6. Appealing (which occurs if a notice of appeal is filed) or collaterally attacking the conviction or sentence in violation of Section XI of this plea agreement; or
7. Engaging in additional criminal conduct from the time of arrest until the time of sentencing.

If Defendant breaches this plea agreement, Defendant will not be able to enforce any provisions, and the Government will be relieved of all its obligations under this plea agreement. For example, the Government may proceed to sentencing but recommend a different sentence than what it agreed to recommend above. Or the Government may pursue any charges including those that were dismissed, promised to be dismissed, or not filed as a result of this agreement (Defendant agrees that any statute of limitations relating to such charges is tolled indefinitely as of the date all parties have signed this agreement; Defendant also waives any double jeopardy defense to such charges). In addition, the Government may move to set aside Defendant's guilty plea. Defendant may not withdraw the guilty plea based on the Government's pursuit of remedies for Defendant's breach.

24 Additionally, if Defendant breaches this plea agreement: (i) any
25 statements made by Defendant, under oath, at the guilty plea hearing
26 (before either a Magistrate Judge or a District Judge); (ii) the factual
27 basis statement in Section II.B in this agreement; and (iii) any

1 evidence derived from such statements, are admissible against Defendant
2 in any prosecution of, or any action against, Defendant. This includes
3 the prosecution of the charge(s) that is the subject of this plea
4 agreement or any charge(s) that the prosecution agreed to dismiss or
5 not file as part of this agreement, but later pursues because of a
6 breach by the Defendant. Additionally, Defendant knowingly,
7 voluntarily, and intelligently waives any argument that the statements
8 and any evidence derived from the statements should be suppressed,
9 cannot be used by the Government, or are inadmissible under the United
10 States Constitution, any statute, Rule 410 of the Federal Rules of
11 Evidence, Rule 11(f) of the Federal Rules of Criminal Procedure, and
12 any other federal rule.

13 **XIII**

14 **CONTENTS AND MODIFICATION OF AGREEMENT**

15 This plea agreement embodies the entire agreement between the
16 parties and supersedes any other agreement, written or oral. No
17 modification of this plea agreement shall be effective unless in writing
18 signed by all parties.

19 **XIV**

20 **DEFENDANT AND COUNSEL FULLY UNDERSTAND AGREEMENT**

21 By signing this agreement, Defendant certifies that Defendant has
22 read it (or that it has been read to Defendant in Defendant's native
23 language). Defendant has discussed the terms of this agreement with
24 defense counsel and fully understands its meaning and effect.

25

26

27

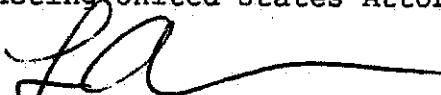
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1 XV
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DEFENDANT SATISFIED WITH COUNSEL

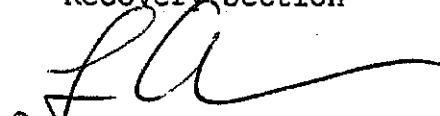
3 Defendant has consulted with counsel and is satisfied with
4 counsel's representation. This is Defendant's independent opinion, and
5 Defendant's counsel did not advise Defendant about what to say in this
6 regard.

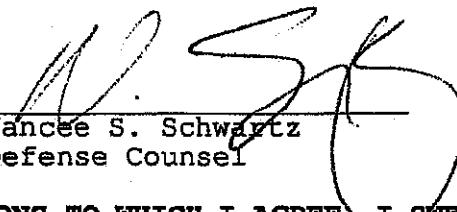
7 RANDY S. GROSSMAN
8 Acting United States Attorney
9


10 Lawrence A. Casper
11 Assistant U.S. Attorney

DATED 6/28/21

12 DEBORAH L. CONNOR
13 Chief, Money Laundering & Asset
14 Recovery Section
15

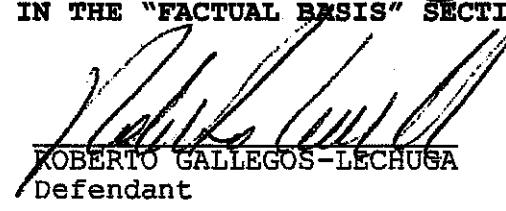

16 Mark A. Irish
17 Money Laundering & Asset Recovery
18 Section
19


20 Nancee S. Schwartz
21 Defense Counsel
22

DATED 6/28/21

23 IN ADDITION TO THE FOREGOING PROVISIONS TO WHICH I AGREE, I SWEAR UNDER
24 PENALTY OF PERJURY THAT THE FACTS IN THE "FACTUAL BASIS" SECTION ABOVE
25 ARE TRUE.
26

DATED 6/26/2021


27 ROBERTO GALLEGOS-LECHUGA
28 Defendant